IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO :27902 OF 1997

DATED: 26.12.2005

Between:

Y.Venkatesham petitioner

And

The Managing Director, APSRTC, Musheerabad

Hyderabad and others Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 27902 OF 1997

ORAL ORDER:

The present writ petition is filed questioning the action of the respondents in not providing employment to the petitioner on compassionate grounds.

The facts in brief which lead to filing of the present writ petition are that the father of petitioner while working with the respondent Corporation as Driver was removed from service in the year 1988 alleging certain irregularities. Questioning the said removal order he has raised an Industrial Dispute in I.D. No. 675 of 1993 (old I.D. No. 553/88). During the pendency of the proceedings before the Labour Court, father of the petitioner died on 1.10.1991. Thereafter, the Labour Court passed an award dated 2.7.1993 directing the respondent corporation to extend all the benefits to which the father of the petitioner was entitled to. The petitioner made an application for appointment on compassionate grounds on 16.5.1997 and attended the interview held on 27.5.1997. The grievance of the petitioner is that similar persons interviewed along with him were issued with appointment orders and no orders were granted in his case. Hence, the present writ petition.

Per contra, the respondent corporation filed a detailed counter affidavit stating that in terms of circular No.PD-89 dated 24.7.1989 the dependants of the employees who died in harness have to file an application for appointment on compassionate grounds within a period of three years from the date of death of the deceased employee. Since, the petitioner has submitted his application for compassionate appointment on 16.5.1997 i.e., after lapse of 5 ½ years from the date of death of his father i.e., 1.10.1991 the claim of the petitioner was rejected by the Selection Committee as time barred one, in the meeting held on 27.5.1997.

Learned counsel for petitioner contended that during the pendency of proceedings before the Labour Court, the father of the petitioner died and due to pendency of said proceedings, he could not file the application and after conclusion of the said proceedings has submitted his claim for compassionate appointment and the same cannot be rejected as a time barred one. Thus, he sought for a direction to the respondent corporation to consider the claim of the petitioner for compassionate appointment.

Learned Standing Counsel for respondent corporation submitted that the petitioner has not made his claim for compassionate appointment within the stipulated time and the same was rejected as time barred one by the Selection Committee. It is further stated that while rejecting the claim of the petitioner for compassionate appointment vide proceedings dated 25.11.1998, the petitioner was advised to submit an application through his mother for grant of Additional Monetary

Benefits and if any such application is received the same would be considered in terms of the existing schemes and additional monetary benefits would be granted to the mother of the petitioner.

The father of the petitioner died on 1.10.1991 and the Labour Court passed an award dated 2.7.1993 which was published on 30.8.1993, whereas the petitioner has made his claim for compassionate appointment only on 16.5.1997 i.e, after lapse of about three years and nine months. Even if the date of publication of award is taken into consideration, the claim of the petitioner would not fall within the prescribed period and the same is a time barred one. Thus, the action of the respondent corporation in rejecting the claim of the petitioner for compassionate appointment as time barred one cannot be said to be illegal.

At this stage, learned counsel for petitioner submitted that the writ petition may be disposed of directing the respondents to grant the additional monetary benefits to the mother of the petitioner. The learned Standing Counsel for respondent agreed for the same. Hence, the writ petition is disposed of in the following manner;

The petitioner is directed to file an appropriate application through his mother for grant of Additional Monetary Benefits in lieu of compassionate appointment before the Regional manager/second respondent. On filing such an application, the second respondent shall consider the same and pass appropriate orders, expeditiously in terms of circulars and the existing schemes of the corporation. No costs.

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N.V.RAMANA,J

26.12.2005

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THE HON'BLE MR JUSTICE N.V. RAMANA

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